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Mr Alan C Scott  
National Planning Policy Framework  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

11 October 2011

Dear Mr Scott

**South East England Councils - Response to National Planning Policy Framework Consultation**

Thank you for the opportunity to comment on the draft National Planning Policy Framework (NPPF). I write on behalf of South East England Councils (SEEC). SEEC promotes the views and interests of all tiers of local government across the South East, who together represent more than eight million residents. SEEC is a voluntary body, funded by member council subscriptions, and carries a unique mandate as the single democratic voice of the South East.

SEEC welcomes the Government's aims of removing unnecessary bureaucracy and reducing top-down control in the planning system. We also support the need for effective sustainable development, to ensure economic, social and environmental needs are met.

However further work is needed to address concerns that aspects of the proposed NPPF will not achieve these aims, and may instead lead to uncertainty and conflict between different parties involved in planning. The principle of democratically-accountable localism must be given greater prominence throughout the NPPF – local government can provide leadership and skills to ensure the planning system delivers sustainable development, but only if given effective freedoms, powers and resources.

We have focused our response on those issues of most strategic concern, and our comments are set out below grouped by ten key topics. We have encouraged individual member authorities to complete the more detailed on-line consultation form.

- i. Draft NPPF proposal: Decentralise power as far as possible, removing top-down targets, but with a Duty to Cooperate**

  - The principle of decentralisation is welcome, but as with the Localism Bill there is a need to ensure the democratically accountable role of local government is clear.
  - Concerns remain regarding the Localism Bill's proposals for Neighbourhood Planning, which may add unnecessary complexity, cost and possible conflict to the planning system – it should be left to local councils to decide how best to ensure local engagement is addressed.
  - The Duty to Cooperate also raises concerns – it should be left to local government to decide how best to engage on cross-boundary issues in Local Plans.
  
- ii. Draft NPPF proposal: Presumption in favour of sustainable development, planning for economic, social and environmental objectives; top priority for reform is promoting sustainable economic growth and jobs**

  - Whilst economic growth is very important, the NPPF needs to clarify that all three aspects of Sustainable Development are critical, rather than giving overriding primacy to the economy.
  - It should be made clear in the NPPF that it will be for the Local Plan and Infrastructure Plans to set out what Sustainable Development means for the local area and the development required to deliver it.
  
- iii. Draft NPPF proposal: Streamlining national planning guidance (eg PPGs/PPSs), reducing over 1000 pages to around 50**

  - Reducing bureaucracy and centrally-controlled guidance is welcome.
  - There will however need to be sufficient policy clarity at the local level to avoid lengthy legal challenges regarding interpretation. The scope or length of Local Plans should therefore not be prescribed by central government, but rather local authorities should determine the level of detail necessary to ensure issues are adequately addressed.
  
- iv. Draft NPPF proposal: Plan-led approach, and where Local Plans are not up to date or there is no basis for a decision, then there is a clear presumption that permission should be granted unless conflicts with the NPPF**

  - It will take time for all local authorities, even those with Core Strategies in place, to get Local Plans updated/adopted in light of the new NPPF – allowance for this should be included in the NPPF and the Localism Bill to avoid opportunistic and unplanned development coming forward during the transition period against local wishes, and to ensure development reflects locally-determined priorities rather than national ones.
  - Existing or developing Local Plan policies should be regarded as providing the core planning framework until they are updated/completed. The Government should engage with local government to determine appropriate transition arrangements, which allows time (say, two years) for Local Plans to be completed. Areas which already have an adopted Core Strategy in place should be given a period, say up to four years, before they are required to review it in line with the NPPF.
  - Those councils who have not yet got their core strategies in place should be permitted to use existing preparatory work as the basis for their 'new' local plan.

- The locally-determined plan-led approach is welcome, although absolute clarity is needed that if Neighbourhood Planning goes ahead, the Local Plan retains policy primacy in order to avoid Neighbourhood Plans being used to halt development.
- The operation of the new ‘test of soundness’ proposed in the NPPF is unclear at present – the Government should work with local government to develop this to ensure a proportionate, fair and consistent approach, which is not unduly burdensome but which will be robust against legal or other challenge.

**v. Draft NPPF proposal: Removal of top-down housing targets, but Local Plans must be ambitious in addressing lack of housing supply, so need to maintain five-year supply of deliverable housing sites, plus 20% for choice/competition in the market**

- Removal of top-down targets is welcomed, but the prescriptive approach in the NPPF for meeting housing needs is at odds with a truly localist approach – for example, allowance should be made for windfalls to be included in the supply where this is a valid part of the local approach ie. not only where there are no other site options as proposed in the NPPF.
- If methodology is to be introduced to help ensure basic consistency in approaches taken to housing supply requirements in Local Plans, this must be flexible enough to allow for local circumstances. Local government must be involved at the earliest stage to inform development of any methodology.
- The 20% ‘choice/competition’ allowance should be removed, as this will create uncertainty about where development will go and may result in developers focusing on ‘easy win’ schemes at the expense of other more challenging but important schemes, for example with wider regeneration goals. Each Local Plan should be given the flexibility to determine what is appropriate in terms of any additional allocation for this purpose.
- We share Government’s concern that some sites are effectively ‘landbanked’ and are not being developed despite planning permission being granted – we recommend that such practices should be restricted, and that (except in exceptional circumstances) renewal of an existing planning permission be prohibited on sites where development has not taken place, in order to encourage development to progress.
- The increased focus on ‘deliverable’ sites and reduced focus on brownfield land is of concern – the NPPF needs to introduce policy or financial assistance/incentives to redress this imbalance to ensure best use is made of available previously developed sites, else risk significant battles over Green Belt or other important undeveloped land.

**vi. Draft NPPF proposal: Ensure links between Local Plan and financial incentives, including the Community Infrastructure Levy (CIL) and New Homes Bonus (NHB), but standards/policies must not put delivery at risk**

- The principle of financial incentives for development is welcome, but concerns remain about the adequacy of the central funding-pot available eg for NHB.
- As set out in SEEC’s response to the new Business Rate proposals, the simplicity and clarity of the NHB incentive could encourage councils to go for housing rather than jobs, as business rate retention is complex and top-sliced, potentially leading to unsustainable development patterns - the business rate retention proposals need significant re-thinking.

- CIL will in many cases be insufficient to pay for all infrastructure costs – viability is critical, as well as identifying who is responsible for gap funding.
  - Also need to ensure those areas where development opportunities are genuinely constrained, eg due to Green Belt/AONB/National Parks, are not unduly financially penalised via schemes such as the NHB.
  - The financial viability of development schemes is of course critical, but the NPPF needs to be clear that this must be achieved along with good standards/design; not at the cost of them.
- vii. Draft NPPF proposal: Seek to ensure good public transport for new developments**
- This principle is strongly supported, but will be very dependent on the degree of certainty over development locations in the Local Plan (see comments ‘v’ above) and adequate transport funds from Government.
  - There is also a need for stronger emphasis on delivery of non-transport strategic infrastructure in the NPPS to ensure communities and businesses can thrive.
- viii. Draft NPPF proposal: Maintains protection for Green Belt, AONB, National Parks and SSSIs; Habitats Directives appraisals are still required in order that EU obligations are not compromised**
- Continued protection of important natural environment and Green Belts is welcome.
  - Local Plans must be allowed to identify the impact of this on the scale and nature of development possible in their areas.
  - Whilst appreciating the importance of EU obligations, the UK Government must ensure it does not ‘gold-plate’ EU requirements for nature protection further than necessary as this can be a significant hindrance to development.
- ix. Draft NPPF proposal: Maintain sequential test for retail and leisure development**
- Whilst the continued focus on town centres for retail and leisure is positive, the omission of office development is of concern as it could lead to out-of-town traffic-generating office developments – this should be addressed.
- x. Although not expressly in the consultation, SEEC also recommends the Government undertakes a fundamental review of the Planning Inspectorate.**
- Given the Government’s commitment to localism and locally-determined priorities, we would expect the Planning Inspectorate’s role to be much reduced in regards to validating the soundness of plans. It will also be important the Inspectorate is consistent in its approach during the period of transition. We would be pleased to discuss this further with Government.

Finally, whilst planning is an important factor, there are of course a wide range of other factors that influence the opportunity for and speed of development. These include the wider financial situation, capacity in the development sector, mortgage availability, and regulations. It will be important that these are addressed by the Government too through relevant policy and legislation.

SEEC is keen to work with the Government to help ensure final proposals are implementable and we would be happy to speak further with ministers or officials to this end.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Carter', with a horizontal line underneath the name.

**Cllr Paul Carter**  
Chairman  
South East England Councils